

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

QUICKEN LOANS, INC.,)
)
Plaintiff,)
)
v.)
)
PLAN B FUNDING INC. ET AL.,)
)
Defendant.)
_____)

Case No.: C- 06-5952 PVT

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE,
BASED ON PLAINTIFF'S FAILURE
TO APPEAR FOR CASE
MANAGEMENT CONFERENCE**

On September 26, 2006, Plaintiff filed the complaint in this action and a Case Management Conference was set for January 9, 2007. On October 16, 2007, the Court granted leave to conduct early discovery in order for Plaintiff to identify the proper defendants. On January 8, 2007, Plaintiff successfully sought to continue the Case Management Conference and to conduct additional discovery. The Case Management Conference was continued to March 9, 2007. On March 8, 2007, Plaintiff again successfully sought to continue the Case Management Conference. On May 15, 2007, the Court held an initial Case Management Conference, setting a further Case Management Conference for July 24, 2007 in order to give Plaintiff time to serve the amended complaint. On July 20, 2007, Plaintiff again sought a continuance. On July 23, 2007, the Court granted another application to continue the Case Management Conference and set the new conference for August 21, 2007. On August 17, 2007, the Plaintiff again sought a continuance. On August 20, 2007, the Court granted the continuance, setting the Case Management Conference for October 9, 2007 and specifically ordering that "Any Further

1 requests for continuances must be received by the Court 7 days before the proposed Case
2 Management Conference.”

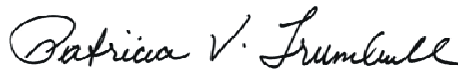
3 As of October 2, 2007, the Court had not received either a request to continue the Case
4 Management Conference or a Case Management Conference Statement. On October 9, 2007,
5 the Court called the Case Management Conference, but Plaintiff did not appear.

6 Therefore,

7 IT IS HEREBY ORDERED that, by no later than October 30, 2007, Plaintiff shall file a
8 declaration stating why this case should not be dismissed for failure to prosecute based on
9 Plaintiff’s inability to find and serve Defendants and Plaintiff’s failure to appear at the Case
10 Management Conference.

11 IT IS SO ORDERED.

12 Dated: October 16, 2007



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14 PATRICIA V. TRUMBULL
United States Magistrate Judge
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